

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF EXPEDITED)	AMENDED
REVIEW OF PRETRIAL RELEASE)	ADMINISTRATIVE ORDER
CONDITIONS)	NO. 2003-079
_____)	

This Amended Order replaces Administrative Order No. 2003-079, and clarifies that the original Order applies only when a party seeks expedited review of previously set pre-trial release conditions. When the moving party avows that accelerated review is required, this Order, in accordance with the terms of Criminal Rule 35.4, outlines the expedited procedure to be used by the Court. If expedited review is not requested, the time limit provisions of Criminal Rule 35.1(a) continue to apply.

WHEREAS the Court has been made aware of many situations where it is vital that prosecutors or defendants be afforded expedited judicial review of pretrial release conditions, and

WHEREAS there is currently no uniform or consistent procedure to determine and conduct such expedited review proceedings, and good cause appearing,

IT IS ORDERED,

Except for cases pending in the Regional Court Center (RCC) or Early Disposition Court (EDC), all motions seeking expedited consideration of requests to modify pretrial release conditions ("Expedited Motions") shall be filed with the Clerk and a copy shall be provided to the appropriate IPTC Commissioner or Not Guilty Arraignment Commissioner. The motion shall contain the reasons for accelerated review and state on its face whether the case is a Victim or Non-Victim case. It shall also be accompanied by a form of order ("Hearing Order") for use by the Court in determining whether expedited review should be granted and in setting the hearing date. The moving party shall bear responsibility for obtaining a completed Hearing Order specifying the hearing date, time and location from the IPTC Commissioner or Arraignment Commissioner

A copy of the Expedited Motion and the completed Hearing Order shall be served upon the opposing counsel. For cases pending in Downtown divisions of the Superior Court, a copy of the Expedited Motion and completed Hearing Order shall also be served on the County Attorney office at 301 West Jefferson Avenue (seventh floor). In cases where a public defense lawyer (Public Defender, Legal Defender, Legal Advocate) represents the defendant, the papers shall be served at the assigned lawyers' office.

Service of all copies shall be by hand-delivery completed within twenty-four (24) hours of issuance of the Hearing Order.

Hearings on Expedited Motions shall be held within four judicial (4) days of receipt of the motion in non-victim cases and seven judicial (7) days in victim cases. The hearing may be continued at the request of the opposing party if: 1. The moving party fails to file a certificate of service establishing compliance with the service terms set forth above; 2. Proceeding with the hearing would deprive any party of a substantial legal right; or 3. For other good cause shown.

In the event that the assigned Commissioner transfers the matter to the trial Judge, the trial judge shall hear the Expedited Motion on an accelerated basis in accordance with the above procedures.

Dated this 26th day of September, 2003

Honorable Eddward P. Ballinger Jr.
Criminal Presiding Judge

Original: Michael K. Jeanes, Clerk of the Superior Court

Copies: Hon. Colin F. Campbell, Presiding Judge
Hon. Thomas O'Toole, Associate Criminal Presiding Judge
All Superior Court Criminal Judges
All Superior Court Criminal Commissioners
Hon. Richard M. Romley, County Attorney
Marcus Reinkensmeyer, Trial Courts Administrator
Peter C. Kiefer, Criminal Court Administrator
James Haas, Maricopa County Public Defender
Mark Kennedy, Office of Contract Counsel
Susan Sherwin, Office of the Legal Advocate
Robert Briney, Office of the Legal Defender